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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,343	11/13/2000	Alexander C. Lang	9-14798-SUS	4407

20988 7590 05/04/2004

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/709,343

Applicant(s)

LANG, ALEXANDER C.

Examiner

William J Deane

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,584,490 (Schuster et al.) in view of U.S. Patent No. 6,317,792 (Mundy et al.).

With respect to claims 1 – 60, note that Schuster et al. teach the claimed method, system and call completion application as recited in claims 1 – 60 (see Abstract, Figs., Col. 3, line 41 – Col. 4, line 41, Col. 6, line 24 – Col. 9, line 36, Col. 10, line 65 – Col. 11, line 51, Col. 15, lines 19 – 42, Col. 17, lines 41 – 65, Col. 19, line 49 – Col. 23, line 44) except for the POPs and the claimed aspects to the POPs. However, note that Mundy et al. teach such POPs and the claimed aspects thereof. See Abstract, Col. 1, lines 8 – 28, Col. 2, lines 29 – 38, Col. 2, line 41 – Col. 3, line 47, Col. 4, line 41 – Col. 6, line 47, Col. 7, line 18 – Col. 8, line 31, Col. 9, line 32 – Col. 10, line 30, Col. 10, line 32 – Col. 11, line 2. It would have been obvious to one of ordinary skill in the art to have incorporated such POP aspects as taught by Mundy et al. into the Schuster et al. in order to save costs in communication connections. With respect to the encryption aspects note Col. 5, line 62. Encryption is old in the art and it would have been obvious to one of ordinary skill in the art to use encryption wherever it is deemed necessary.

Response to Arguments

Applicant's arguments filed 02/26/04 have been fully considered but are not deemed persuasive to any error in the above Rejection.

Applicant's main argument is that Schuster et al. is only for incoming calls and therefore Schuster et al. does not support call initiation. Applicant states at page 15, 1st full paragraph:

"From the above it is abundantly clear that Schuster et al. teach only the control of inbound calls using Internet Protocol telephone 108 which is programmable to accept user's schedule and priority information. Consequently, an inbound call may be forwarded to another telephone based on information contained in the profile. However, the system taught by Schuster et al. does not support call initiation. As per column 8, lines 41 – 42 ..."

However, applicant's assertions are incorrect. Applicant is invited to review Col. 8, lines 43 – 48. Clearly, Schuster can initiate calls.

With respect to Mundy et al., this reference was cited to show that POPs and POP selection, among other things, is old in the art. Hopefully, since it has been shown that Schuster et al. does indeed disclose call initiation, the inclusion of Mundy et al. makes better sense. The POPs of Mundy et al. are dynamically selected based on the most cost effective point of presence.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

27Apr04


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER